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07 July 2005

HUESCHEN AND SAGE

Speciale M. Choi
Dated: 07 July 2005

PF:114 CIP

Applicant : Jean DEREGRNAUCOURT and Richard GROSSE
Serial No. : 10/805,940
Filed : March 22, 2004
Title : USE OF THE (1S,2R) ENANTIOMER OF MILNACIPRAN
FOR THE PREPARATION OF A DRUG
Art Unit : 1616
Examiner : Frank I. CHOI, Esq.

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Sir:

The owner of the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of US Application Serial No. 10/453,754. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such

period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 USC §§ 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Examiner may withdraw the required fee from the below listed Deposit Account.

Respectfully submitted,
THE FIRM OF HUESCHEN AND SAGE

By: 
G. PATRICK SAGE

Dated: July 7, 2005
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